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*MPA*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/580,056	05/27/00	STRUMOLO	G 199-2102

MM92/0627

JOHN G CHUPA  
CHUPA & ALBERTI PC  
31313 NORTHWESTERN HIGHWAY  
SUITE 205  
FARMINGTON HILLS MI 48334

EXAMINER

ROBINSON, M

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 06/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/580,056	Applicant(s) STRUMOLO ET AL.	
	Examiner Mark A. Robinson	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-11,13-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11,13-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |                                                                                               |                                                                              |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

DETAILED ACTION

*Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1,2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellmeth in view of McCord ('144), both made of record.

With respect to claims 1 and 4, Fellmeth shows a vehicle mirror movably coupled to a vehicle and including a first planar portion(9) and a second curved portion(10) closer to the vehicle than the planar portion (note fig. 2), but does not teach the curved portion to include first and second regions which respectively provide false and substantially true measures of distance. However, McCord teaches such an arrangement with a very gradual transition between the two regions, wherein the slightly curved region immediately adjacent the planar portion would provide a substantially true measure of distance and the further curved portion would provide a false measure of distance. Note that McCord's mirror includes an elliptical cross section with continuously varying radius of curvature. It would have been obvious to the ordinarily skilled artisan at the time of invention to include McCord's arrangement in Fellmeth's mirror in order to reduce the amount of distortion caused by the

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transition between the regions of different curvature, as taught by McCord.

With respect to claim 2, Fellmeth's curved portion has a varying height.

3. Claims 3,5,6,8,10,11,13-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellmeth in view of McCord ('144) and Luchtenberg, all made of record.

With respect to claims 3,5,8,10,11,13,15 and 17, Fellmeth in view of McCord does not teach a score line between the first and second regions. However, such lines are known and an example is shown by Luchtenberg in figs. 3 and 4. It would have been obvious to the ordinarily skilled artisan at the time of invention to include the score line of Luchtenberg in the mirror of Fellmeth in view of McCord in order to help the viewer differentiate between the various mirror sections and the images contained therein.

With respect to claims 6 and 14, Fellmeth's curved portion has a varying height.

Although not taught by these references, the mirror moving means of claims 18-20 is well known in the art and would have been obvious to the ordinarily skilled artisan at the time of invention for the reasons given in the previous office action.

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4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fellmeth in view of McCord ('144) and Luchtenberg as applied to claim 5 above, and further in view of Black et al, all made of record.

Use of a shroud as shown by Black would have been obvious in conjunction with the device of Fellmeth in view of McCord and Luchtenberg for the reasons given in the previous office action.

#### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (703) 305-3506.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached at (703) 308-1687. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Mark Robinson  
Patent Examiner  
Art Unit 2872  
6/25/01



Cassandra Spyrou  
Supervisory Patent Examiner  
Technology Center 2800